UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _07 February 2008_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1 and 3-34_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1,3-18,20,22-32 and 34_ is/are rejected.

7)☐ Claim(s) _19, 21, 33_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

This action is in response to the filing of February 7, 2008. Claims 1 and 3-34 are

pending and have been considered below:

Allowable Subject Matter

1.   Claims 19, 21, 33 are objected to as being dependent upon a rejected base

claim, but would be allowable if rewritten in independent form including all of the

limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1, 3- 7, 9, 10 12-17, 22, 23, 25, 26, 28-31 and 34 are rejected under 35

U.S.C. 103(a) as being unpatentable over Chua (US 2004/0183833 A1) in view of

Davidson (US 5627567).

Claims 1 and 34: Chua discloses a method and computer readable medium

comprising:

associating areas of a touch interface of a mobile electronic device with letters wherein

at least some of the associated areas are defined to overlap with one another (Page 2,

Paragraph 23 and 24) ;

detecting a location of a user's touch on said touch interface and for each area of said

touch interface which includes said location, identifying the letter associated therewith

(Page 2, Paragraph 19 and 20).

However Chua does not explicitly show an intermediate region that represents more

than one letter. However Davidson shows the functionality of providing control areas

with extended regions which form an intermediate region (Figure 9, Column 18, Lines 7-

14). Therefore it would have been obvious to one having ordinary skill in the art at the

time of the invention to use the functionality of Davidson to provide the intermediate

regions in Chua to represent multiple letters. One would have been motivated to use the

functionality of an intermediate region to improve user selection and error control.

Claim 3: Chua and Davidson disclose a method as in Claim 1 and further discloses if

two or more letters are identified, using predictive software text to determine which of

said identified letters said user intended to select (Chua: Page 2, Paragraph 23; Page 5,

Paragraph 55).

Claim 4: Chua and Davidson disclose a method as in Claim 3 and further discloses

providing said predictive software text with an indication that said location is closer to

one of said identified letters than to others of said identified letters(Chua: Page 2,

Paragraph 23; Page 5, Paragraph 55).

Claim 5: Chua and Davidson disclose a method as in Claim 3 and further discloses

providing said predictive software text with an indication of how much closer said

location is to one of said identified letters than to others of said identified letters (Chua:

Page 2, Paragraph 23; Page 5, Paragraph 55).

Claim 6: Chua discloses a mobile electronic device comprising:

one or more touch interfaces to receive a touch by a user (Page 2, Paragraphs 19 and

20);

means for displaying one or more rows of letters (Page 2, Paragraphs 19 and 20);

means for associating overlapping areas of said one or more touch interfaces with said

letters wherein at least some of the areas are defined to overlap with one another (Page

2, Paragraphs 19-24);

and a microprocessor configured to identify which letters are associated with said areas

of said one or more touch interfaces that include a location of said touch (Page 2,

Paragraphs 22 and 26).

However Chua does not explicitly show an intermediate region that represents more

than one letter. However Davidson shows the functionality of providing control areas

with extended regions which form an intermediate region (Figure 9, Column 18, Lines 7-

14). Therefore it would have been obvious to one having ordinary skill in the art at the

time of the invention to use the functionality of Davidson to provide the intermediate

regions in <u>Chua</u> to represent multiple letters. One would have been motivated to use the functionality of an intermediate region to improve user selection and error control.

Claim 22: Claim 22 is similar in scope to Claim 6 and is rejected with the same rationale.

Claim 7: <u>Chua and Davidson</u> disclose a mobile electronic device as in Claim 6 above wherein said one or more touch interfaces is a single touchpad (Chua: Page 2, Paragraphs 18-20).

Claim 23: Claim 23 is similar in scope to Claim 7 and is rejected with the same rationale.

Claim 9: <u>Chua and Davidson</u> disclose a mobile electronic device as in Claim 6 above wherein said one or more touch interfaces are two or more touchpads (Chua: Page 2, Paragraphs 18-20).

Claim 25: Claim 25 is similar in scope to Claim 9 and is rejected with the same rationale.

Claim 10: <u>Chua and Davidson</u> disclose a mobile electronic device as in Claim 6 above and further discloses where said one or more touch interfaces is a single touchscreen (Chua: Page 2, Paragraphs 18-20).

Claim 26: Claim 26 is similar in scope to Claim 10 and is rejected with the same rationale.

Claim 12: <u>Chua and Davidson</u> disclose a mobile electronic device as in Claim 10 above and discloses where for at least one particular letter, an area of said touchscreen associated with said particular letter is overlapped by an area of said touchscreen associated with a different letter of an adjacent row (Chua: Page 2, Paragraphs 19-24).

Claim 28: Claim 28 is similar in scope to Claim 12 and is rejected with the same rationale.

Claim 15: <u>Chua and Davidson</u> disclose a mobile electronic device as in Claim 6 above and further discloses that said microprocessor is configured to execute a predictive software text module to determine which of said identified letters said user intended to select (Chua: Page 2, Paragraphs 18-20).

Claims 16: <u>Chua and Davdison</u> disclose a method as in Claim 1 above but Chua does

not explicitly disclose where for at least one particular letter, an area of said touch

interface associated with said particular letter is completely overlapped jointly by a

portion of an area of said touch interface associated with an adjacent letter to the left of

said particular letter and by a portion of an area of said touch interface associated with

an adjacent letter to the right of said particular letter. <u>Chua</u> does disclose allowing

different letters being represented therefore inferring an overlapping area so by

extending the offset which can be set by user a complete overlap is possible (Page 3,

Paragraph 29) (Page 2, Paragraph 24). Therefore it can be inferred to one having

ordinary skill in the art that a complete overlapping is possible. One would have been

motivated to allow overlapping to compress the size of data on the display screen. An

intermediate region or forming a second intermediate region, wherein the first and

second intermediate regions are adjacent to one another is disclosed by <u>Davidson</u>

showing the functionality of providing control areas with extended regions which form an

intermediate region that are adjacent to each other (Figure 9, Column 18, Lines 7-14).

Therefore it would have been obvious to one having ordinary skill in the art at the time

of the invention to use the functionality of <u>Davidson</u> to provide the intermediate regions

in the modified <u>Chua</u> to represent multiple letters. One would have been motivated to

use the functionality of an intermediate region to improve user selection and error

control.

Claims 17: Chua and Davidson disclose a method as in Claim 1 above but Chua does

not explicitly disclose where for at least one particular letter, an area of said touch

interface associated with said particular letter is partially overlapped by a portion of an

area of said touch interface associated with an adjacent letter to the left of said

particular letter and by a portion of an area of said touch interface associated with an

adjacent letter to the right of said particular letter. However Chua does disclose allowing

different letters being represented inferring an overlapping area with the offset setting

(Page 2, Paragraph 24). Therefore it can be inferred to one having ordinary skill in the

art that partial overlapping is possible. One would have been motivated to allow

overlapping to compress the size of data on the display screen.

An intermediate region or forming a second intermediate region, wherein the first and

second intermediate regions are not adjacent to one another is disclosed by Davidson

showing the functionality of providing control areas with extended regions which form an

intermediate region the intermediate region of one control area (Figure 9, Column 18,

Lines 7-14).This shows that the control keys create a region and the region to the left

and right of the control keys are not adjacent to one another. Therefore it would have

been obvious to one having ordinary skill in the art at the time of the invention to use the

functionality of Davidson to provide the intermediate regions in the modified Chua. One

would have been motivated to use the functionality of an intermediate region to improve

user selection and error control.

Claims 13 and 29: Claims 13 and 29 are similar in scope to Claim 16 and is rejected

with the same rationale.

Claims 14 and 30: Claims 14 and 30 are similar in scope to Claim 17 and is rejected

with the same rationale.

Claim 31: Claim 31 is similar in scope to Claim 15 and is rejected with the same

rationale.

4.   Claims 8, 11, 24 and 27 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Chua (US 2004/0183833 A1) and Davdison (5627567) in view of

Moon et al (US 6259436 B1)

Claim 8: Chua and Davidson disclose a mobile electronic device as in Claim 7 above

but do not explicitly disclose that said rows of letters are spaced at a sufficient vertical

distance that there is no ambiguity as to which row of letters is being touched. However

Moon discloses an apparatus and method for determining selection of touchable items

on a computer touchscreen by an imprecise touch and further discloses having
sufficient space on a touchscreen and or keyboard (Column 4, Lines 41-49) (Column 5,
Lines 1-15). Therefore it would have been obvious to one having ordinary skill in the art
at the time of the invention to also provide sufficient space on a keyboard of <u>Chua</u>. One
would have been motivated to provide sufficient space between letters to cut down on
the high risk of errors.

Claim 24: Claim 24 is similar in scope to Claim 8 and is rejected with the same
rationale.

<u>Claim 11:</u> <u>Chua and Davidson</u> disclose a mobile electronic device as in Claim 10
above but does not explicitly disclose that said rows of letters are spaced at a sufficient
vertical distance that there is no ambiguity as to which row of letters is being touched.
However <u>Moon</u> discloses an apparatus and method for determining selection of
touchable items on a computer touchscreen by an imprecise touch and further discloses
having sufficient space on a touchscreen (Column 4, Lines 41-49). Therefore it would
have been obvious to one having ordinary skill in the art at the time of the invention to
also provide sufficient space on the keyboard representation of <u>Chua</u>. One would have
been motivated to provide sufficient space between letters to cut down on the high risk
of errors.

Claim 27: Claim 27 is similar in scope to Claim 11 and is rejected with the same

rationale.

5.   Claims 18, 20 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Chua (US 2004/0183833 A1) and Davidson (5627567) in view of Suraqui (US

7199786 B2)

Claim 18: Chua and Davidson disclose a method as in Claim 1 above but does not

explicitly disclose wherein at least one particular letter, the associating step comprises

associating an area of said touch interface with said particular letter by bounding said

area by horizontal centers of adjacent letters on the same row as the particular letter,

and by the vertical centers of adjacent letters on upper and lower adjacent rows.

However Suraqui discloses letters and centered in the vertical and horizontal centers

(Fig 4). Therefore it would have been obvious to display the letter by the centers in the

modified Chua as taught by Suraqui. One would have been motivated to display the

letter by the centers because it is a design choice, which allows customization of the

system.

Claims 20 and 32: Claims 20 and 32 are similar in scope to Claim 18 and is rejected

with the same rationale.

Response to Arguments

6.   Applicant's arguments have been considered but are moot in view of the new

ground(s) of rejection as necessitated by the amendments.

7.   Applicant's arguments of 18, 20 and 32 have been fully considered but they are

not persuasive. Applicant argues that <u>Suraqui</u> Figure 4A is not bounded by the center.

Examiner disagrees because it is shown that a letter is bound by the centers of its

horizontal and vertical adjacent letters. For example Figure 4B does show a

configuration that bounds the horizontal and vertical letters with an offset and therefore

the letters are not centered.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Sherrod Keaton whose telephone number is 571) 270-

1697. The examiner can normally be reached on Mon. thru Fri. and alternating Fri. off (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SLK

3-24-08

/David A Wiley/

Supervisory Patent Examiner, Art Unit 2174